

FILED

AUG 17 2017

Clerk, U S District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

ADRIAN GUILLE,

Petitioner,

vs.

MYRON BEESON, et al.,

Respondent.

CV 17-36-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his findings and recommendations in this case on June 27, 2017, recommending that this action be dismissed with prejudice for failure to state a claim. Plaintiff Adrian Guille (“Guille”) failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error,

IT IS ORDERED that Judge Johnston’s findings and recommendations (Doc. 7) are ADOPTED IN FULL.

(1) Guille’s Motion to Proceed in Forma Pauperis (Doc. 3) is DENIED

for failure to submit an account statement pursuant to 28 U.S.C. § 1915(a)(2).

- (2) This matter is DISMISSED AS MOOT.
- (3) The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.
- (4) At all times during the pendency of this action, Guille must immediately advise the Court of any change of address and its effective date. Failure to file a Notice of Change of Address may result in the dismissal of the action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

DATED this 17th day of August, 2017.



Dana L. Christensen, Chief Judge
United States District Court